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May 25, 2021

VIA ECF

United States District Court
Southern District of New York
The Honorable Paul G. Gardephe
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**RE: United States v. Stuart Finkelstein
1:21-cr-00217-PGG**

Dear Judge Gardephe,

As Your Honor may recall, this office represents Mr. Stuart Finkelstein in the above matter. Pursuant to the *Curcio* hearing held on May 11, 2021, Your Honor directed both parties to determine whether we could stipulate to the issues surrounding my representation of Mr. Finkelstein's in his civil matter as it relates to his criminal trial.

After multiple conversations with Assistant United States Attorney, Rushmi Bhaskaran, her office has indicated that they will not stipulate to not calling me as a witness at trial. Additionally, there are disagreements regarding my specific involvement with underlying Attorney 3 as it relates to the obstruction of justice count.

As such, we are asking that Your Honor render a decision as to whether I may proceed as trial counsel in the first instance before deciding on the balance of the *Curcio* hearing. We will rely on our previous filings in connection with these issues. Should the Court require anything further, please do not hesitate to contact the undersigned directly.

Very truly yours,

Brian J. Griffin, Esq.

Foley Griffin, LLP.

By: Brian J. Griffin, Esq.

cc: United States Attorney's Office
Attn: AUSA Rushmi Bhaskaran